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October 6, 1997

Project Number 5278

Mr. James X. Shafer
Remedial Project Manager
Northern Division, Naval Facilities Engineering Command
10 Industrial Highway, Mail Stop 82
Lester, Pennsylvania 19113

Reference: CLEAN Contract No. N62472-90-D-1298
Contract Task Order 218

Subject: RAB Meeting Minutes

Dear Mr. Shafer:

Enclosed are minutes from the September 17, 1997 RAB meeting. I am also including an updated version of the site priority matrix Dave Brown discussed at the meeting.

If you have any questions about this matter, please contact me at 978-658-7899.

Very truly yours,

Betsy Horne
Community Relations Specialist

BH:ib

Enclosures

c: Dr. D. K. Abbass (w/enc.)
Mr. Alfred Arruda, Jr. (w/enc.)
Ms. Mary A. Blake (w/enc.)
Dr. David W. Brown (w/enc.)
Mr. Paul M. Cormier (w/enc.)
Mr. Anthony D'Agnènica (w/enc.)
Ms. Beth Everett (w/enc.)
Mr. Mike Foley (w/enc.)
Mr. Byron J. Hall (w/enc.)

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c: Ms. Elizabeth Mathinos (w/enc.)
Mr. Joseph McEnness (w/enc.)
Mr. Thomas McGrath (w/enc.)
Mr. T. R. McGrath, Jr. (w/enc.)
Mr. Howard L. Porter (w/enc.)
Mr. Paul D. Russell (w/enc.)
Mr. Charles Salmond (w/enc.)
Mr. John Torgan (w/enc.)
Ms. Claudette Weissinger (w/enc.)
Ms. Mary Philcox (w/enc.)
Mr. David Egan (w/enc.)
Mr. Tom Nicholson (w/enc.)
Mr. Paul Kulpa, DEM (w/enc.)
Ms. Kymberlee Keckler, EPA (w/enc.)
Capt. Jon Wyman, NETC (w/enc.)
Mr. David Sanders, NETC (w/enc.)
Mr. Brad Wheeler, NETC (w/enc.)
Mr. Kevin Coyle, NETC (w/enc.)
Ms. Melissa Griffin, NETC (w/enc.)
Mr. Woody Monaco, NETC (w/enc.)
Ms. Sarah White, EPA (w/enc.)
Ms. Jennifer Hayes, Gannett Fleming (w/enc.)
Mr. Tim Prior, USF&WS (w/enc.)
Mr. Ken Finkelstein, NOAA (w/enc.)
Mr. Joseph Migliore, RIDEM (w/enc.)
Mr. William McLaughlin, ERICD (w/enc.)
Mr. Roy Anderson, City of Newport (w/enc.)
Capt. Bogle, NETC (w/enc.)
Mr. James Barden (w/enc.)
Hon. Paul W. Crowley (w/enc.)
Hon. June Gibbs (w/enc.)
Councilman Dennis McCoy (w/enc.)
Mr. Vincent Arnold (w/enc.)
Dr. David Kim (w/enc.)
Mr. Brian Bishop (w/enc.)
Sister Annie Marie Walsh (w/enc.)
Brother Joseph (w/enc.)
Mr. William McLaughlin (w/enc.)
Mr. Joe Migliore (w/enc.)
Newport Public Library (w/enc.)
Ms. Joanne Gorman, Middletown Free Library (w/enc.)
Portsmouth Free Public Library (w/enc.)

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c: Mr. R. Boucher, NORTHDIV (w/o enc.)
 Mr. Liyang Chu, B&RE, Wilmington (w/enc.)
 Mr. Garth Glenn, B&RE, Philadelphia (w/enc.)
 Ms. Meg Price, B&RE, Philadelphia (w/o enc.)
 File 5278-3.2 w/o enc./9.4 w/enc.

FRAMEWORK FOR DISCUSSING SITE PRIORITIES

----- Possible Criteria -----								
Site	Planned ROD	Risk Ranking	Cost (\$...\$\$\$)	Transfer Suitability	Navy Use Potential	Aquid Use Potential		
D rector: onshore (19)	Mar 1998	H						
McAllister Point (1)	Feb 1999	H						
Tank Farm 5 (13)	Apr 1999	H						
D rector: offshore (4)	Dec 1999	H						
Old Fire Fighting TA (9)	Apr 2000	H						
Gould Island Electro (17)	Dec 2001	H						
Tank Farm 4 (12)	Nov 2003	H						
NUSC Disposal Area (8)	Jan 2004	L						
Tank Farm 1 (7)	Nov 2004	M						
Tank Farm 2 (10)	Nov 2004	L						
Tank Farm 3 (11)	Nov 2004	L						
Coddington Cove Rubble (4)	Feb 2005	L						

**NAVAL EDUCATION AND TRAINING CENTER
RESTORATION ADVISORY BOARD MEETING
SEPTEMBER 17, 1997**

MINUTES

On Wednesday, September 17, 1997, the NETC Newport Installation Restoration Program Restoration Advisory Board (RAB) gathered at the NETC Officers' Club for its monthly meeting. The meeting began at 7:16 pm and ended at 9:14 pm.

Eleven of the 18 RAB community members attended: Kathy Abbass, Mary Blake, David Brown, Paul Cormier, Tony D'Agnerica, Liz Mathinos, Joe McEnness, Tom McGrath, Howard Porter, Paul Russell, and Claudette Weissinger. Other RAB members attending were: Paul Kulpa, the RIDEM Remedial Project Manager, and Sarah White for Kymberlee Keckler, EPA Remedial Project Manager. Brad Wheeler, the NETC IR Program Manager, and David Sanders, PAO, were present. Mary Philcox from the Aquidneck Island Citizens Advisory Board was also present, with the TAG technical advisor, David Egan, and his colleague, Tom Nicholson. Al Arruda, Byron Hall, and Chuck Salmond provided notice of their absence. Beth Everett, Mike Foley, T. R. McGrath, and John Torgan were not present.

Agenda items are denoted in the minutes by the underscored headings.

CALL TO ORDER

Captain Wyman, the Navy Co-Chair, called the meeting to order and asked those present he did not know to introduce themselves. They included Tom Nicholson, a colleague of David Egan's; Roy Anderson, Director of Public Utilities, City of Newport; and Bill McLaughlin, a guest of Mary Philcox.

COMMITTEE REPORTS

Membership Committee - Paul Russell announced that no changes have occurred since the last RAB meeting. The next public notice announcing the October RAB meeting will include a line soliciting new RAB members.

Public Information Committee - Claudette Weissinger mentioned that Captain Wyman and Chuck Salmond were featured on WADK's one hour "Let's Network". The program, hosted by Alison Hamilton, is sponsored by the Newport County Women's Network. They talked about the RAB and the IR sites clean-up program. Brad Wheeler will be speaking to the League of Women Voters in November. A colloquy ensued about whether these events are scheduled for public relations enhancement or for educating the public.

Project Committee - Kathy Abbass stated that her committee (plus other interested RAB members) met at 6 pm for the first in a series of presentations by the federal/state agencies

that have a role in the IR program. Tim Prior, of Interior's Fish and Wildlife Service, discussed his office's responsibilities in implementing CERCLA. Tim will be giving a similar briefing for the entire RAB later in the meeting. His talk was excellent; most people do not realize the breadth of activities F&WS is involved in. Kathy mentioned that another speaker will be meeting with the committee at 6 pm, October 15, before the next RAB meeting. The Army Corps of Engineers will be added to the list of speakers.

One task the committee identified at a previous RAB meeting was scheduling a tour of sites they can access in the absence of health and safety training. All RAB members are invited to participate. The tour will be held on Tuesday, September 30, from 8 am to noon. Meet at Building 1. Sites on the itinerary include McAllister Point Landfill, Old Fire Fighting Training Area, Coddington Cove Rubble Fill, Derecktor Shipyard, and Tank Farms Four and Five.

Planning Committee - David Brown summarized how the IR sites' relative risk ranking has been the principal method of determining how IR funds are allocated among NETC sites. Dave spoke from an overhead (handout) of a matrix into which considerations other than risk can be used to determine how NETC IR funds are distributed. Over the next two meetings, RAB members and the TAG group will suggest other values and how they should be weighted to facilitate cleanup priorities. The RAB also needs to coordinate with local planning groups on this issue.

Jim Shafer summarized the related budgeting activity that occurs at NORTHDIV, which resulted in the draft FFA sites schedules, dated August 22. The FFA is a three-party document, signed by EPA, RIDEM, and the Navy. After the schedule is adopted, it will be appended to the FFA, making it legally enforceable. The Navy would be subject to stipulated penalties if those dates are not met, unless it can be proven that the delay was caused by a lack of funding.

NORTHDIV has recently received around \$25 million a year to use on a dozen or so sites in this region. Of this amount, NETC has received approximately \$4.5 to \$5 million in each of the past several years. Knowing approximately how much each discrete task will cost, Jim has developed a multi-year schedule that shows him how much he will need to carry out the cleanup tasks. However, when natural disasters like hurricanes or earthquakes occur, funds are reallocated, which can result in reductions in the original funding schemes for all or most activities. Instead of manually calculating and recalculating this information with each funding change, the Navy has developed a program that will allow Jim to create a document that shows, by quarter, how much money he has to address each task for each site for each activity. Once the RAB has determined its recommended priorities under Dave's approach, Jim will adjust the FFA schedules.

Action Update - Brad mentioned some of the action items on the list of tasks produced at the last RAB meeting. Staff has been assigned responsibilities and schedules to support the RAB in implementing the tasks. Many tasks are related and interdependent. A copy of the Action Update list is enclosed. Discussion of the status of these actions will become an "as appropriate" agenda item. Chuck Salmond may wish to request that the RAB break into committees at the next meeting to review the action item list.

Woody Monaco reported that RAB members would have to complete the OSHA health and safety training to walk on IR sites. As classes are scheduled for NETC employees, the RAB will be notified if classes have any vacancies. However, no course is scheduled until next spring.

NEW BUSINESS

Mary Blake announced that the third annual open house, sponsored by DARE, was scheduled for Saturday, September 20. A table will be available for the RAB to distribute material and answer questions. Brad expressed concern at the lack of non-time-dependent material about the RAB and the IR cleanup status. Mary worried that she might be unable to answer questions without the assistance of NETC staff. Since none was available to attend on such short notice, it was decided to postpone the RAB's presence until next year. We should get the RAB on the mailing list for these events; the Public Information Committee should prepare a list of other opportunities for community outreach.

PRESENTATIONS

U. S. Fish and Wildlife Service Authorities and Responsibilities

Tim Prior, a biologist with the F&WS, summarized the presentation he had given earlier at the 6 pm Project Committee meeting. The F&WS's role in the IR program is to provide technical assistance to EPA and produce or oversee the creation of a Natural Resource Damage Assessment, if one is determined to be necessary. The F&WS acts for the Department of Interior, which is the legal entity responsible for representing the public in cases of ecological damage. Their job is to obtain monetary compensation for ecological damage or require mitigating activities by the responsible party to restore the habitat.

In the early stages of the CERCLA process, F&WS assists EPA in scoping the field work to ensure that the data necessary to assess ecological risks are gathered. That information is used later if necessary, after the ROD is signed, as the basis for an ecological damage assessment. Tim used a graph to depict a typical "injury" to the resource value that occurs from the time of injury (deposition of hazardous waste) to the beginning of cleanup, and then to the completion of the restoration. A model is used to determine the degree of damage and the level of penalty that should be assessed. Most cases end up settling before going to court. Tim's goal is to expedite the beginning of the cleanup and ensure it proceeds as rapidly as possible so the injury is minimized. A copy of the overhead graphics Tim used is enclosed.

Comment: When a determination is made that a potential for injury exists, do you use the same data as EPA?

Response: We help EPA design their studies to identify data on which injury could be determined.

Comment: Is it possible that EPA and F&WS could end up with conflicting results about ecological harm?

Response: It is possible but not probable. We work very closely.

Comment: You have seen the NETC studies. Have you come to any conclusions about possible ecological damage here?

Response: We have principally relied on Susan Svirsky (EPA) and NOAA to follow the NETC studies. Once the second ROD at McAllister Point Landfill is issued, the Department of Interior Solicitor will ask for our opinion on whether ecological damages exist.

Comment: Do you prefer to receive a monetary penalty or see habitat restoration?

Response: We prefer habitat restoration.

Comment: Do you pursue private parties with deep pockets?

Response: There is no fund like the Superfund to provide compensation. If F&WS is unable to collect money from the responsible parties, we look to other federal programs to help with mitigation, like wetland restoration programs.

Comment: Does F&WS have any technical literature that would help a lay person assess the risk of eating fish that has been impacted by hazardous waste?

Response: No. But the Food and Drug Administration may have literature.

Comment: If a site is suspected of posing a hazardous waste risk, can F&WS put restrictions on use of the area?

Response: No. We only have authority over our own areas.

Comment: Does F&WS have to obtain permits to proceed with habitat restoration?

Response: Yes. Waivers from obtaining state and local permits are only available for the actual CERCLA remedial activities.

Presentation of Shellfish Bed Restrictions and Assessments

Joe Migliore, representing the RIDEM Office of Water Resources, discussed his office's authorities and responsibilities. He has five staff persons who test shellfishing areas for bacterial presence, survey the coastline for potential and actual pollution sources, and produce the Shellfish Closure Areas map. In addition, the office determines how sewage impact such as storm water bypass impacts receiving areas. They have recently applied to EPA to establish no discharge areas. Joe also mentioned the newly issued (August) Water Quality regulations, which include water quality goals for all waterways. Seawater classifications include SA (highest classification - harvest and eat shellfish and recreate at any time, except for the occasion of a hurricane or oil spill); SB (harvest and eat shellfish after depuration, recreate at any time); SB1 (recreate at any time); and SC (no direct contact with water during recreation). The office can assign a partial use category to an area affected by combined sewer overflows, or marinas and mooring fields. Upper Narragansett Bay has a conditional approval classification. The area is sampled monthly to assess its water quality.

Some areas of conditional approval are now closed because of FDA requirements. That is, if there is a nearby POTW, a demonstration must be made as to the effect on that area if the

sewage treatment plant had an upset or failure. A dilution model is used to assess these possible impacts. In addition, areas like Coddington Cove and Derecktor Shipyard are not conducive to shellfishing because of the presence of large ships.

The areas designated as permanently closed to shellfishing could be reclassified under certain conditions. RIDEM could enter into an agreement with the City of Newport that it would create a comprehensive plan to close the beds down immediately in the case of an upset, if all other conditions for opening the beds were in place.

Comment: The Shellfish Closure Area map indicates that the area from Middletown south on the western shore of Aquidneck Island is permanently closed to shellfishing. Can that area be refined so that some locations may be opened to shellfishing?

Response: Yes.

Comment: There was a CSO accident a while ago under the causeway. Is there anything your office can do about fishing in the area?

Response: Unlike shellfish which are often eaten raw, finfish are cooked. But if the event only occurred on one occasion, this is not a significant problem. Contact recreation, however, is a problem. RIDEM samples beaches every month.

Comment: The water quality designations reflect activities on land that have a direct or an indirect discharge. I presume that new discharges are not allowed to degrade an area.

Response: That is correct. If an existing discharge is degrading an area, our office attempts to get the discharge to comply with the area's water quality goals.

Comment: How often are shellfish closure areas reassessed?

Response: A new map is released each May. If, however, water quality information is received during the year that would warrant a reclassification, a new map could be issued at any time.

Comment: How well does the western shore of Aquidneck Island lend itself to shellfishing?

Response: Water along that shoreline is relatively deep so it is not particularly conducive to establishing shellfish beds. However, if that aquaculture business continues to grow, that assessment could change.

Comment: Are sediments from outfall pipes considered when assessing aquaculture proposals?

Response: If an area had a history of potentially contaminated sediments, it should be uncovered during the investigation. Aquacultural and natural areas are subject to the same rules; we need to ensure the same stringent protection for aquaculturally grown products as those naturally grown since we are subject to interstate commerce regulations. If they did not meet the same standard, the FDA could revoke the state's shipping license.

NEXT RAB MEETING

The next RAB meeting is scheduled for Wednesday, October 15. The agenda will include a discussion of budgeting and site prioritization, resumption of committee deliberations, and presentations on the Gould Island and NUSC Disposal Area work plans. [The presentation on the McAllister Point Landfill draft FS has been postponed].

Tentatively scheduled agendas: November - Conclude discussion on budgeting and site priorities

Handouts: RAB Review Dates Calendar
Dave Brown's priorities setting matrix
Rhode Island Water Quality regulations
Rhode Island May 1997 Shellfish Closure Areas map

Enclosures (w/draft): Brad Wheeler's Committee-generated Action List
Tim Prior's F&WS overhead graphics
RAB Activity Reminder

Enclosures (w/final): Dave Brown's matrix with estimated cost ranges